

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|----------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 8:02CR205 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | MEMORANDUM |
| |) | AND ORDER |
| |) | |
| REYNALDO G. DIAZ, |) | |
| |) | |
| Defendant. |) | |

This matter is before the Court on the Defendant's two pro se motions requesting a reduction in his sentence pursuant to 18 U.S.C. §3582(c)(2) and Amendment 782 (Filing Nos. 239 and 244) and requesting appointment of counsel. The Court has reviewed the Retroactive Worksheet (Filing No. 243) prepared by the U.S. Probation Office. The Defendant was sentenced on August 27, 2008, pursuant to the parties' Joint Stipulation on Sentencing (Filing No. 230), which specified a sentence of 130 months, substantially below the guideline range of 188-235. In the stipulation, signed by the government's attorney, defense counsel and the Defendant, the Defendant agreed to waive his right to appeal his conviction, including a waiver of any departure motions. Accordingly,

IT IS ORDERED:

1. The Defendant's pro se motions (Filing Nos. 239 and 244) are denied;
2. The Defendant's request for appointment of counsel is denied;
3. The Court finds that the Defendant is ineligible for a reduction of sentence pursuant to Sentencing Guideline Amendment 782; and
4. The Clerk of Court is ordered to mail a copy of this order to the Defendant at his last known address.

DATED this 19th day of May, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge